

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 19 2005
Returned to applicant for correction OCT 06 2005
Corrected application filed OCT 17 2005
Map filed AUG 05 1998 under 64286

The applicant **Nevada Tri Partners, LLC**, a Nevada limited liability company hereby makes application for permission to change the **Manner and Place of use of a portion** of water heretofore appropriated under **Claims 707/708** of the **Truckee River Decree** as entered by the **District Court for Nevada** in that certain action entitled, "**The United States of America, plaintiff, vs. Orr Water Ditch Company, et al, defendants**" in equity docket A-3

1. The source of water is **Steamboat Creek & Tributaries**
2. The amount of water to be changed **87.6 acre-feet along with a pro-rata portion of the diversion rate**
3. The water to be used for **Instream Flow**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **As decreed – West Bank within the SW ¼ SE ¼, Section 16, T.18N., R.20E., M.D.B. & M.**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **Refer to Exhibit "A"**
8. Existing place of use **Refer to Exhibit "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As Decreed**
11. Description of proposed works **Water will be diverted through existing stream channel and Truckee River**
12. Estimated cost of works **Dependent upon Permit Terms**
13. Estimated time required to construct works **Dependent upon Permit Terms**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**

15. Remarks: Water will be diverted within the existing Steamboat Creek Channel to provide instream flows between the point of diversion and the Vista Gauge on the Truckee River. Upon passing the Vista Gauge, the water will be considered return flow and be available for downstream users. Refer to map filed under Permit 64286 for proposed place of use.

By Gregory M. Bilyeu
s/ Gregory M. Bilyeu
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89521

Compared hk/sam lv/gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the manner of use and place of use of a portion of the waters of the Steamboat Creek as heretofore granted under Claims 707 and 708. Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Measuring devices shall be designed and a monitoring plan shall be submitted to and approved by the State Engineer prior to filing the proof of completion of work.

No return flow credit water for subdivisions will be approved from this permit until data supporting the use have been approved by this office.

This permit is issued subject to the continuing jurisdiction and regulation by the Federal Water Master and the State Engineer.

By issuance of this permit, the supplemental storage rights described under Truckee River Decree Claims 660 and 670 can no longer be used at the existing place of use.

(Continued on Page 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.548 cubic feet per second, **but not to exceed 87.60 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

November 3, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

November 3, 2011

Map in support of proof of beneficial use shall be filed on or before:

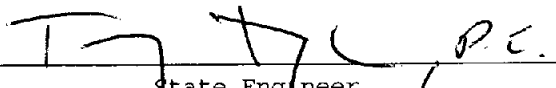
N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 3rd day of November, A.D. 2006



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

EXHIBIT "A"

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7. Proposed Place of Use - Steamboat Creek

Within T.19N., R.20E.,

M.D.B. & M.

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34

Within T.18N., R.20E.,

M.D.B. & M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16

Refer to maps filed under Permit 64286 for proposed place of use.

AMENDED EXHIBIT "B"
APPLICATION 73057
8. Existing Place of Use - Claim 707/708

$\frac{1}{4}$ $\frac{1}{4}$	Sec.	TwN	Rng	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16	T18N	R20E	24
NW $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9	T18N	R20E	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	9	T18N	R20E	40
N $\frac{1}{2}$ SE $\frac{1}{4}$	9	T18N	R20E	50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	9	T18N	R20E	40
Total				354

Acreage being conveyed by this deed

$\frac{1}{4}$ $\frac{1}{4}$	Sec.	TwN	Rng	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16	T18N	R20E	21.9
Total				21.9

APN	Acres
APN 16-520-06	0.86
APN 16-520-10	20.85
W/C R-O-W*	0.19
Total	21.9

Refer to TR Map 008 prepared by the Nevada Division of Water Resources to illustrate the existing place of use being removed from irrigation under this application.

* Per deeds submitted with the chain of title on June 28, 2005, NTP has never relinquished any water rights appurtenant to the R-O-W indicated above and on TR Map 008

EXHIBIT "B"

8. Existing Place of Use - Claim 707/708

$\frac{1}{4}$ $\frac{1}{4}$	Sec.	TwN	Rng	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16	T18N	R20E	24
NW $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16	T18N	R20E	40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9	T18N	R20E	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	9	T18N	R20E	40
N $\frac{1}{2}$ SE $\frac{1}{4}$	9	T18N	R20E	50
SE $\frac{1}{4}$ NE $\frac{1}{4}$	9	T18N	R20E	40
Total				354

Acreage being conveyed by this deed

$\frac{1}{4}$ $\frac{1}{4}$	Sec.	TwN	Rng	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16	T18N	R20E	21.85
Total				21.85

Refer to TR Map 008 prepared by the Nevada Division of Water Resources to illustrate the existing place of use being removed from irrigation under this application.